

City of Milton
Zoning Board of Appeals ~ Monday, October 5, 2015

Call Meeting to Order

Clerk Hilby called the meeting to order at 5:04 p.m. K. Holland nominated C. Schultz as chairperson. L. Laehn seconded, and the motion carried.

Present: Larry Laehn, Theron Dosch, Bruce Lippincott, Tom Kevern, Ken Holland, and Carl Schultz.

Also present: Director of Public Works Howard Robinson and City Clerk Elena Hilby.

Excused absence: Jim Polarski.

Approve Agenda

L. Laehn moved to approve the agenda. T. Kevern seconded, and the motion carried.

Approve Minutes – June 2, 2015

B. Lippincott moved to approve the minutes. T. Dosch seconded, and the motion carried.

Public hearing to consider a request received from Peter and Linda Petroff, 5. S. John Paul Road, for a Variance to allow for the replacement of the current garage on the existing or close to the existing foot print. They are requesting a side yard setback reduction, a height variance, and a square footage variance per Section 78-345, Section 78-405, and Section 78-345 of the City of Milton Code of Ordinances.

Chairperson Schultz opened the public hearing at 5:07 p.m.

DPW Robinson explained the situation with this garage and why a variance would be needed. DPW Robinson said there have been no objections.

Peter Petroff was present to answer questions.

Chairperson Schultz closed the public hearing at 5:15 p.m.

Discussion and action regarding a request received from Peter and Linda Petroff, 5. S. John Paul Road, for a Variance to allow for the replacement of the current garage on the existing or close to the existing foot print. They are requesting a side yard setback reduction, a height variance, and a square footage variance per Section 78-345, Section 78-405, and Section 78-345 of the City of Milton Code of Ordinances.

Chairperson Schultz read the standards that must be taken in consideration when granting or denying a variance.

Unnecessary Hardship - which is a situation where, in the absence of a variance, an owner can make no feasible use of a property, or strict conformity, is unnecessary burdensome.

Unique Property Limitation – a unique physical characteristic of the property, not the desires of or condition personal to the applicant, must prevent the applicant from development in compliance with the zoning ordinance.

Protection of the Public Interest – in granting of a variance must neither harm the public interest nor undermine the purposes of the ordinance. The board's actions should be consistent with the objectives states in their local ordinance, which (in the case of a floodplains or shoreline ordinance) has been adopted to meet minimum state statutory requirements. There was no public opposition.

Additional Court – Established Principles – Violations by or variances granted to neighboring owners do not justify a variance. Variances attach to the property as a permanent right. Once a variance is granted, it is permanently attached to the property. A new owner of the property may make use of a variance that was granted to the previous owner if all of the conditions that are attached to the variance are met.

The Board discussed the granting of a variance that stays with the property.

T. Dosch moved to grant a variance to Peter and Linda Petroff, S. John Paul Road, to allow a minimum 5 foot side yard setback, a height variance of 23 feet or less, and a square footage variance of 910 square feet or less. K. Holland seconded, and the motion carried.

Public hearing to consider a request received from the City of Milton, 710 S. Janesville Street, for a Variance to allow a corner lot setback reduction at the property located at 426 Parkview Drive, per Section 78-404(6) of the City of Milton Code of Ordinances.

Chairperson Schultz opened the public hearing at 5:25 p.m.

DPW Robinson explained the situation with this property and why a variance would be needed. DPW Robinson said there have been no objections.

Chairperson Schultz closed the public hearing at 5:30 p.m.

Discussion and action regarding a request received from the City of Milton, 710 S. Janesville Street, for a Variance to allow a corner lot setback reduction at the property located at 426 Parkview Drive, per Section 78-404(6) of the City of Milton Code of Ordinances.

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The Board discussed the granting of a variance that stays with the property.

T. Dosch moved to grant a Variance, as long as this building remains a well house, to the City of Milton, 426 Parkview Drive, to allow for a reduction to the corner lot setback to 10 feet. T. Kevern seconded, and the motion carried.

General Items

None.

Motion to Adjourn

B. Lippincott moved to adjourn the meeting at 5:36 p.m. K. Holland seconded, and the motion carried.

Respectfully submitted,

Elena Hilby
City Clerk